

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID ELIAS,
Plaintiff,

v.

HEWLETT-PACKARD COMPANY,
Defendant.

Case No. [12-cv-00421-BLF](#)

**ORDER DIRECTING CLERK TO
CLOSE THE FILE PURSUANT TO
STIPULATED DISMISSAL UNDER
FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(ii); AND
VACATING CASE MANAGEMENT
CONFERENCE**

[Re: ECF Nos. 67]

On June 18, 2014, Plaintiff filed a Stipulation for Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF 67) That provision provides in relevant part that “the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). The document filed by Plaintiff in this case satisfies this requirement. (ECF 67)

As noted above, a voluntary dismissal pursuant to Rule 41(a)(1)(A)(ii) ordinarily would be sufficient to close the file without the necessity of a court order. Here, however, Plaintiff docketed the stipulated dismissal as a “Stipulation with Proposed Order re Dismissal,” and attached a proposed order relating to an entirely different motion in a different case. (ECF 67) It is clear that the docket entry and the attachment of the proposed order were made in error. Nonetheless, to avoid any confusion, the Court issues this order clarifying that Plaintiff’s Stipulation for Dismissal with Prejudice satisfies Rule 41(a)(1)(A)(ii) and directing the Clerk to CLOSE THE FILE.

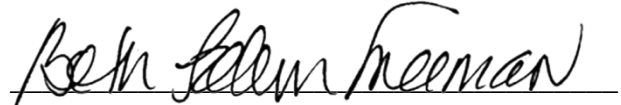
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1 In light of the dismissal of the action, the Case Management Conference set for June 19,
2 2014 is VACATED.

3 IT IS SO ORDERED.

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5 Dated: June 18, 2014

A handwritten signature in black ink, reading "Beth Labson Freeman", written over a horizontal line.

BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California